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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,385	12/21/2000	Firdosh K. Bhesania	MS1-705US	1121
22801	7590	05/19/2005	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			SAX, STEVEN PAUL	
			ART UNIT	PAPER NUMBER

2174

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/745,385

Applicant(s)

BHESANIA ET AL.

Examiner

Steven P Sax

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-5,7-11,13-15,17-20,22-24,26-30,32-34,38-43 and 45-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,3,7,8,11,13-15,18,19,22-24,32-34,38-43,45 and 46 is/are allowed.
- 6) ☒ Claim(s) 4,5,9,10,17,20,26,29,30,47 is/are rejected.
- 7) ☒ Claim(s) 27-28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This application has been examined. The amendment filed 2/28/05 has been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4, 5, 9, 10, 17, 20, 26, 29, 30, 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luke et al (6505267) and Klingman (6219736).

4. Regarding claim 4, Luke et al show receiving by a USB device, a host specific request from an application executing on a computer coupled to a USB device (Figures 4-5, column 1 lines 55-67, column 3 lines 1-20 and 30-45, column 4 lines 5-20), and identifying by a USB device, a host defined string descriptor defined by the application and being stored in firmware of the USB device (column 4 lines 30-55, column 5 lines 25-55). Luke et al do not specifically show that the string descriptor comprises user interface information such as a label or icon (claim recites these in alternative form so any will satisfy the claim), but do mention the host defined commands in a string descriptor to access a host device. Furthermore, Klingman does have host defined

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commands in a USB device which comprise user interface information such as labels (abstract, column 4 lines 57-67, column 7 lines 30-50, column 15 lines 55-67) as an efficient way to access a host device. It would have been obvious to a person with ordinary skill in the art to have the string descriptor comprise user interface information such as labels, in Luke et al, because it would provide an efficient way to use host defined commands in a USB device to access a host device.

5. Regarding claim 5, Luke et al show receiving by a USB device, a host specific request from an application executing on a computer coupled to a USB device (Figures 4-5, column 1 lines 55-67, column 3 lines 1-20 and 30-45, column 4 lines 5-20), and identifying by a USB device, a host defined string descriptor defined by the application and being stored in firmware of the USB device (column 4 lines 30-55, column 5 lines 25-55). Luke et al do not specifically show that the string descriptor is defined by an operating system, but do mention the host defined commands in a string descriptor to access a host device. Furthermore, Klingman does have host commands defined by the operating system (column 8 lines 35-55, column 15 lines 50-67) as an efficient way to access a host device. It would have been obvious to a person with ordinary skill in the art to have the string descriptor defined by an operating system in Luke et al, because it would provide an efficient way to use host defined commands in a USB device to access a host device.

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6. Claims 9 and 10 show the same features as claims 4 and 5 respectively, and are rejected for the same reasons as those claims respectively.

5. Regarding claim 17, in addition to that mentioned for claim 5, in response to a non standard USB device request for an extended property (Luke et al column 4 lines 20-40) from the device that is predetermined to be compatible for use by the operating system, an extended property descriptor comprising the extended property is received (Luke et al column 4 lines 10-25 and 35-50). Luke et al do not specifically show that the extended property provides data comprising user interface information associated with the USB device, or that the operating system augments the user interface at a remote computing device to represent the USB device, but do mention the host defined commands in an extended property descriptor to access a host device. Furthermore, Klingman does have host defined commands in a USB device which comprise user interface information associated with the USB device as an efficient way to access a host device, with the operating system augmenting the user interface at a remote computing device to represent the USB device (abstract, column 4 lines 57-67, column 7 lines 30-50, column 15 lines 1-20 and 55-67). It would have been obvious to a person with ordinary skill in the art to have the extended property descriptor comprise user interface information associated with the USB device, in Luke et al, with the operating system augmenting the user interface at a remote computing device to represent the USB device, because it would

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provide an efficient way to use host defined commands in a USB device to access a host device.

6. Regarding claim 20, note that providing user interface information to computer program applications is accomplished by augmenting the user interface at a remote computing device. Thus, claim 20 shows the same features as claim 17 and is rejected for the same reasons.

7. Claim 26 shows the same features as claim 17 and is rejected for the same reasons.

8. Regarding claim 29, the user interface information may include a label (Klingman column 7 lines 30-50).

9. Claim 30 shows the same features as claim 26 and is rejected for the same reasons.

10. Regarding claim 47, in addition to that mentioned for claim 5, in response to a non standard USB device request for an extended property from the device that is predetermined to be compatible for use by the operating system, an extended property descriptor comprising the extended property is received (Luke et al column 4 lines 10-25 and 35-50). Luke et al do not specifically show that the extended property provides data comprising user interface information

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associated with the USB device, but do mention the host defined commands in an extended property descriptor to access a host device. Furthermore, Klingman does have host defined commands in a USB device which comprise user interface information associated with the USB device as an efficient way to access a host device, (abstract, column 4 lines 57-67, column 7 lines 30-50, column 15 lines 55-67). It would have been obvious to a person with ordinary skill in the art to have the extended property descriptor comprise user interface information associated with the USB device, in Luke et al, because it would provide an efficient way to use host defined commands in a USB device to access a host device.

11. Claims 27-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. These claims bring out the custom property section for the USB device itself, which combined with the other features of the claims in the USB device are not set forth in the prior art of record.

12. The previously indicated allowability of claims 4, 5, 9, 10, 17, 20, 26, 29, 30, and 47 is withdrawn in view of further consideration of the art, especially the Klingman reference. Claims 2, 3, 7, 8, 11, 13-15, 18, 19, 22-24, 32-34, 38-43, 45, 46 are in fact allowable over the prior art and the distinction is that these claims bring out the custom property section for the USB device itself. Applicant

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is invited to contact Examiner to discuss claim interpretation and possible attempts to expedite prosecution.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Steven P. Sax  
Examiner